

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC., et al.,

Plaintiffs,

v.

DEXON COMPUTER, INC., et al.,

Defendants.

Case No. [20-cv-04926-CRB](#)

**AMENDED ORDER RE: CISCO'S
ADMINISTRATIVE MOTION TO
SEAL ANOTHER PARTY'S
MATERIAL**

Cisco Systems, Inc. (“Cisco”) filed an administrative motion to seal Dexon Computer, Inc.’s (“Dexon”) confidential material in Cisco’s motion for preliminary injunction, see Mot. to Seal (dkt. 201), to which Dexon filed a statement in response, see Resp. Mot. to Seal (dkt. 204).

Given the impending preliminary injunction hearing, the Court granted Cisco’s motion in its entirety and permitted it to file the designated preliminary injunction materials under seal. Order Granting Mot. to Seal (dkt. 218). Now that the Court has had an opportunity to take a closer look, the Court has determined that some of Dexon’s designated materials do not satisfy the compelling reasons standard.¹ This Amended Order clarifies which sealing requests meet that standard and which should be unsealed.

A. Motion for Preliminary Injunction (dkt. 202)

Dexon seeks sealing of 26 statements in Cisco’s motion for preliminary injunction.²

¹ See this Court’s previous sealing order (dkt. 283) for a discussion of why the compelling reasons standard applies to this material.

² Any statements for which (1) Dexon is the only designating party in Cisco’s filing, and (2) Dexon does not seek sealing, shall be unsealed. This shall apply for all of the materials discussed in this Order.

The Court's rulings on these requests are as follows:

Portions of Materials Requested to be Sealed	Designating Party	Reasons Proffered for Sealing	Ruling
Page 3, portions of lines 5–11	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 3, portions of line 25	Dexon	Confidential Client Communications	GRANTED.
Page 4, portions of lines 1–3	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 5, portions of lines 21–24	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 6, lines 1–7	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 6, line 15	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 6, portions of lines 18–25	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 7, portions of lines 2–10	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.

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Page 7, portions of lines 15–25	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 8, portions of lines 16–23	Dexon	Confidential Client Communications	GRANTED only for the <u>number</u> of SMARTNet Contracts listed in line 19. DENIED for the rest. Dexon did not meet its burden of showing competitive harm.
Page 8, portions of lines 24–28	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 9, lines 1–11	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 9, portions of lines 12–13	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 9, portions of lines 14–24	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 9, portions of lines 26–28	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 10, portions of line 1	Dexon	Confidential Client Communications	GRANTED only as consistent with the

			redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 10, portions of line 3	Dexon	Confidential Client Communications	GRANTED.
Page 10, portions of lines 5–8	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 10, portions of lines 9–19	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 12, portions of lines 4–7	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 14, portions of lines 5–9	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 14, portions of lines 14–17	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 14, portions of line 19	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 14, portions of lines 22–23	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 14, portions of lines	Dexon	Confidential Client	GRANTED only as

25–28		Communications	consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 15, portions of line 1	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.

For the rulings that reference Dkt. 209, Cisco shall revise the corresponding designated material to redact only customer names (and identifying information), vendor names (and identifying information), and pricing details.

B. Nelson Declaration (dkt. 202-1)

Dexon seeks sealing of 34 statements in the Declaration of Richard J. Nelson in support of Cisco’s motion for preliminary injunction. The Court’s rulings on these requests are as follows:

Portions of Materials Requested to be Sealed	Designating Party	Reasons Proffered for Sealing	Ruling
Page 2, lines 17–22	Dexon	Proprietary Business Record	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 2, lines 23–28	Dexon	Proprietary Business Record	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 3, portions of lines 10–12	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 3, portions of line 14	Dexon	Confidential Client Communications	GRANTED.
Page 3, portions of lines	Dexon	Confidential Client	GRANTED only as

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16–18		Communications	consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 3, portions of lines 19–23	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 3, portions of line 25	Dexon	Confidential Client Communications	GRANTED.
Page 3, line 28	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 4, lines 1–8	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 4, portions of lines 9–11	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 4, portions of lines 14–18	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 4, portions of lines 19–22	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 4, lines 23–28	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines

			24–28.
Page 5, lines 1–2	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 5, lines 4–5	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 5, lines 12–18	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 5, lines 25–27	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 5, line 28	Dexon	Proprietary Business Record	GRANTED.
Page 6, lines 1–6	Dexon	Proprietary Business Record	GRANTED.
Page 6, lines 7–21	Dexon	Proprietary Business Record	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 6, portions of lines 22–28	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 7, portions of lines 1–5	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 7, portions of lines	Dexon	Confidential Client	GRANTED only as

6–12		Communications	consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 7, lines 13–22	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 7, lines 23–24	Dexon	Designated as confidential (Dkt. 201–3).	DENIED. Dexon did not file a statement in support of sealing.
Page 7, portions of lines 25–28	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 8, portions of line 1	Dexon	Confidential Client Communications	GRANTED.
Page 8, portions of line 5	Dexon	Confidential Client Communications	GRANTED.
Page 8, portions of lines 7–14	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 8, portions of lines 15–18	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 8, portions of lines 24–27	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Page 9, portions of line 2	Dexon	Confidential Client Communications	GRANTED.
Page 9, portions of line 3	Dexon	Confidential Client	GRANTED.

		Communications	
Page 9, portions of lines 4–6	Dexon	Confidential Client Communications	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.

For the rulings that reference Dkt. 209, Cisco shall revise the corresponding designated material to redact only customer names (and identifying information), vendor names (and identifying information), and pricing details.

C. Exhibits to Nelson Declaration (dkt. 202-1)

Dexon seeks sealing of 29 Exhibits to the Declaration of Richard J. Nelson in support of Cisco’s motion for preliminary injunction. The Court’s rulings on these requests are as follows:

Portions of Materials Requested to be Sealed	Designating Party	Reasons Proffered for Sealing	Ruling
Exhibit 1	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 4	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 5	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 6	Dexon	Proprietary Business Record	GRANTED.
Exhibit 7	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines

			24–28.
Exhibit 8	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 9	Dexon	Proprietary Business Record	GRANTED.
Exhibit 10	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 11	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 12	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 13	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 14 ³	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 15	Dexon	Client/Customer Communication	GRANTED.
Exhibit 16	Dexon	Client/Customer	GRANTED only as

³ This exhibit appears to have been mistakenly labeled as Exhibit 16 in some of the parties' filings. For clarity, this ruling applies to pages 65–67 of Dkt. 201-3.

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		Communication	consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 18	Dexon	Client/Customer Communication and Proprietary Business Record	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 19	Dexon	Client/Customer Communication and Proprietary Business Record	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 20	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 21	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 22	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 23	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 24	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.

Exhibit 25	Dexon	Internal Business Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 26	Dexon	Client/Customer Communication	GRANTED.
Exhibit 27	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 28	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 29	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.
Exhibit 30	Dexon	Client/Customer Communication	GRANTED.
Exhibit 32	Dexon	Client/Customer Communication	GRANTED only as consistent with the redactions proposed in Dkt. 209 at 2, lines 24–28.

For the rulings that reference Dkt. 209, Cisco shall revise the corresponding designated material to redact only customer names (and identifying information), vendor names (and identifying information), and pricing details.

D. Proposed Order (dkt. 202-3)

Dexon seeks sealing of 4 statements in Cisco’s proposed order, attached to its motion for a preliminary injunction. The Court’s rulings on these requests are as follows:

Portions of Materials	Designating	Reasons Proffered	Ruling
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Requested to be Sealed	Party	for Sealing	
Page 2, portions of lines 27–28	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 3, lines 1–2	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 4, lines 26–27	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.
Page 6, portions of lines 1–2	Dexon	Confidential Client Communications	DENIED. Dexon did not meet its burden of showing competitive harm.

II. CONCLUSION

This Amended Order amends the Order at Docket No. 218.

The Court GRANTS in part and DENIES in part Cisco's administrative motion to seal Dexon's confidential information in Cisco's motion for preliminary injunction. See Mot. to Seal.

Cisco shall publicly file revised versions of the documents pursuant to this Amended Order and Civil Local Rule 79-5(g) within 21 days of this Order.

For each ruling that refers to Dkt. 209, the revised designated material shall only redact customer names (and identifying information), vendor names (and identifying information), and pricing details. See sections A, B, and C.

IT IS SO ORDERED.

Dated: September 18, 2023



CHARLES R. BREYER
United States District Judge